

CITY OF KINGSTON
Office of Planning – City Hall
420 Broadway
Kingston, New York 12401

COVER SHEET

APPLICATION FOR SPECIAL PERMIT

TO EXCEED LIMITS OF NOISE CONTROL LAW OF CITY OF
KINGSTON

(Chapter 300 – City Charter and Code)

A complete submission is considered to be:

- Application signed by owner, all questions answered.
- Complete and signed SEQRA Form. (Note: Only complete and sign front of the form – Part I).
- Non – refundable fee of \$25.00 (payable to the Comptroller. City of Kingston).

Any necessary back – up or supporting documentation which addresses the issues raised in the application.

General:

- Every effort should be made to submit the completed application at least 3 weeks prior to the scheduled event or business opening.
- Site plan should be included (preferably on 8 1/2 x 11” paper) to indicate location of noise generation and direction of sound. Any significant features should be noted (i.e. – adj. Residential properties, sound absorbing areas).
- Completed application should be returned to the Office of Planning, Kingston City Hall, 420 Broadway, Kingston, New York 12401

§ 300-6. Maximum permissible sound levels by receiving land use for determining noise disturbance. [Amended 12-16-1999 by L.L. No. 2-2000, approved 1-3-2000]

- A. No person shall operate or permit to be operated on private property any source of sound in such a manner as to create a sound level which exceeds the limit set forth for the receiving land use category in Table 1 when measured at or within the real property boundary of the receiving land use.

Table 1

Receiving Land Use Category	Sound Level Limit Time	(dBA)
Residential	7:00 a.m. to 10:00 p.m.	60
	10:00 p.m. to 7:00 a.m.	55
NB (Convenience Business)	At all times	60
Commercial	At all times	75
Industrial	At all times	75
Another dwelling within a multiple-dwelling-unit building ¹	7:00 a.m. to 10:00 p.m.	55
	10:00 p.m. to 7:00 a.m.	50

¹NOTE: Levels only apply when the sound source is another location within a multiple-dwelling-unit building. Otherwise, the levels from the residential receiving land use category are applicable.

- B. When measuring noise within a dwelling unit or within a multiple-dwelling-unit building, measurements shall be taken in the center of the room affected or as near the center of the room as possible.
- C. When measuring noise from a different land use category, the most restrictive sound level limits will be applied for determining permissible sound levels.
- D. Where time restrictions set forth in this section are not consistent with those used in other parts of the regulation, the time restrictions for express uses will apply.

§ 300-7. Exceptions and special permits.

- A. Emergency exception. The provisions of this article shall not apply to:
- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency; or
 - (2) The emission of sound in the performance of emergency work. Nothing in this section, however, shall be construed to prevent law enforcement, ambulance, fire or other emergency personnel to make excessive noise in the performance of their duties when such noise is clearly unnecessary.
- B. Special permits.
- (1) The Planning Department shall have the authority, consistent with this section, to grant special permits which may be requested pursuant the provisions contained herein.
 - (2) Any person seeking a special permit pursuant to this section shall file an application with the Planning Department. The application shall contain information which demonstrates that bringing the source of the sound or activity for which the special permit is sought into compliance with this article would constitute an unreasonable hardship on the applicant, on the community or on other persons. Notice of an application for special permit shall be published according to the requirements of each application as set forth by the planning permit. Any individual who claims to be adversely affected by allowance of this special permit may file a statement with the Planning Department containing any information to support his claim. If the Planning Department finds that a sufficient controversy exists regarding an application, a public hearing may be held.

- (3) In determining in whether to grant or deny the application, the Planning Department shall balance the hardship to the applicant, the community and other persons of not granting this special permit against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on the property affected and any other adverse impacts of granting this special permit. Applicants for special permits and persons contesting special permits may be required to submit any information the Planning Department may reasonably require. In granting or denying an application, the Planning Department shall place on public file a copy of the decision and the reasons for denying or granting the special permit.
- (4) Special permits shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special permit shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any conditions of the special permit shall terminate it and subject the person holding it to those provisions of this article regulating the source of sound or activity for which the special permit was granted.
- (5) Application for an extension of the time limit specified in special permit for modification of other substantial conditions shall be treated like applications for initial special permit under Subsection B(2).
- (6) The Planning Department may issue guidelines approved by the Common Council defining the procedures to be followed when applying for special permit and the criteria to be considered in deciding whether to grant a special permit.
- (7) There shall be a fee of \$25 for special permit under this section.

C. Special permits for time to comply.

- (1) Within 120 days following the effective date of this article, the owner of any commercial or industrial source of sound may apply to the Planning Department for a special permit extending the time to comply with the sections herein. The Planning Department shall have the authority, consistent with this section, to grant such a permit not to exceed 210 days from the effective date of this article and each extension will require the posting of a
- (2) Any person seeking a special permit in time to comply shall file an application with the Planning Department. The application shall contain information which demonstrates that bringing the source of the sound or activity for which the special permit is sought into compliance with this article would constitute an unreasonable hardship on the applicant on the community or on other persons. Notice of an application for a special permit for time to
- (3) In determining whether to grant or deny the application for an extension, the Planning Department shall balance the hardship to the applicant, the community and other persons of not granting this extension against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on the property affected and any other adverse impacts of granting this extension. Applicants for extensions and persons contesting extensions may
- (4) Special permits and time to comply shall be granted to the applicant containing all necessary conditions, including a schedule for achieving compliance. The special permit extending time to comply shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the permit shall terminate the permit and subject the person holding it to those provisions of this article.
- (5) Application for extension of time limits specified in special permits and time to comply or for modifications for initial permits under Subsection B may be granted, provided that the Planning Department must find that the need for the extension and modification clearly outweighs any adverse impacts of granting the extension and modification.

- (5) Application for extension of time limits specified in special permits and time to comply or for modifications for initial permits under Subsection B may be granted, provided that the Planning Department must find that the need for the extension and modification clearly outweighs any adverse impacts of granting the extension and modification.
- (6) The Planning Department may issue guidelines approved by the Common Council defining the procedures to be followed when applying for an extension of a special permit and the criteria to be considered in deciding whether to grant an extension.

D. Appeals. Appeals of an adverse decision under this section shall be made in accordance with the provisions of Article 78 of the Civil Practice Law and Rules of the State of New York.

**APPLICATION FOR SPECIAL PERMIT
TO EXCEED LIMITS OF NOISE ORDINANCE
(Chapter 300 City Code and Charter)**

Event/Activity Name: _____
(If City Park – Must Provide Copy of Valid Park Permit)

Event Location: _____ Tax Parcel ID: _____

Date: _____ Time: _____ to _____ Rain date: _____

Describe nature of sound or activity? _____

State reason for not being able to comply with standards set forth within Noise Control law of the City of Kingston § 300-6: _____

Applicant Name: _____ Applicant Phone: _____

Mailing Address of Applicant: _____
Applicant E-mail: _____

Owner Name: _____ Owner Phone: _____

Mailing Address of Owner: _____
Owner E-mail: _____

Signature of Applicant Print Name Date

Signature of Owner Print Name Date

This Section For Office Use Only

Date received:	_____
Application Fee:	_____
Noise Permit # & Date	_____
Park Permit #:	_____
Zoning District:	_____
Public Notice:	_____
SEQRA:	_____
Public Hearing:	_____

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General Information to All Applicants (Must be signed at bottom):

- 1- If granted, the noise permit is granted for the scheduled event listed on the application. Unless stated on the application, there will be no rain date incorporated into the permit.
- 2- During the entire event, the permittee will make every effort to mitigate noise disturbance to the surrounding areas.
- 3- Traffic control and security will be the responsibility of the applicant.
- 4- Upon receiving the first noise complaint, the Kingston Police will investigate and may issue a warning to the permittee and request them to reduce the noise level.
- 5- Upon receiving any further complaints, the Kingston Police will instruct the operator to reduce the noise level at the discretion of the responding police officer. If necessary, a certified officer, with a noise meter, will be called out at the expense of the permittee.
- 6- The Kingston Police shall have the authority, based on their discretion, to terminate the event, should the permittee fail to comply with any conditions or requests of the police.
- 7- The permit does not negate the need for any other applicable permits and/or licenses as may be required by law.
- 8- The permit is premised upon the statements and representations submitted with the application and made part hereof.

Should there be any questions, please contact this office at (845) 334-3955.

(Signature of Applicant)

(Print name)

(Date)

ADDITIONAL NOTIFICATIONS

If there are other individuals who are involved and/or desire notification of the meeting and decision, please list below:

1. _____

2. _____

3. _____

